

LABOR ADVISORY BOARD MEETING

Meeting Minutes
September 21, 2010
1:00 p.m.

LAB Member Attendance:

John Penn, James Bruner, Dennis Gannon, Thomas Wronski

IDOL Staff Attendance:

Catherine Shannon, Bert Rodriguez, Michael Haggerty, Doris Moy, Sara Scherer, Tom Whalen, Carmela Gonzalez, Anjali Julka

Call to Order:

Meeting called to order at 1 pm by Director Catherine Shannon.

Director Update:

Director Shannon indicated there were a few issues that she wanted to report on during the Division manager's reports and any additional comments she would leave for the end.

A few items to note:

- Chief Legal Counsel Michael Haggerty will report on a court case
- Legislative Liaison Sara Scherer will report on a revised law that the Department will promulgate rules for; as well as a fee increase for carnival and amusement rides.
- Public Information Officer Anjali Julka will report on some media in relation to the Department.
- Division Manager, Doris Moy will on equal pay updates; as well as some exciting news about recent events the Department has been involved in.
- Division Managers, Suzanne Davis and Frederick Lewison were not present at the Board Meeting. Assistant Director Rodriguez will report on their respective divisions.
- Assistant Director Bert Rodriguez will also report on any budget updates; as well as any other items that he might have.

Assistant Director Update:

Budget Update:

Assistant Director Rodriguez stated that since the last time the Board met (pending any post adjustments from the Governor's Office) the Department's budget was a little over \$7.1 million. Several areas of the budget remained consistent; the OSHA State Plan Fund remained at \$1.5 million from federal funding and matching state funding and the Department's Day and Temporary Labor fund remained at \$500,000. The Department's budget was reduced by \$200,000 from what the General Assembly had approved in May, however, in talks with the Governor's Office there is a possibility that the funds can be made up through an unallocated portion that the Governor controls.

Director Shannon also explained that while in light of an \$11 million dollar budget deficit a \$200,000 cut might not seem like a lot of money, since Fiscal Year 2010, the Department's general revenue fund has decreased over a million dollars. The only reason why the budget numbers do not appear to be that dismal is due to the 1.5 million dollar grant received from OSHA.

Assistant Director Rodriguez also advised the Board that since our last Board meeting, the Department's Chief Fiscal Officer Michael Layden resigned from his post. Since Layden's resignation, the Department has hired a new Chief Fiscal Officer. Her name is Joan Small and she is based out of the Springfield Office.

Division Reports and Board Discussion:

Legislative Division:

Legislative Liaison, Sara Scherer, reported on the following:

Several bills have made it through the Legislature this year and the majority of them have already been acted on and signed into law.

- SB3568 – Amends the Department’s Wage Payment and Collection Act. Amendments become effective on January 1, 2011. Some of the changes in the law will help workers get their money via an expedited process. Subject to appropriation and for a certain subset of cases, the Department can issue an enforceable judgment. It also increases civil and criminal penalties; as well as creates an administrative fee of \$250 payable to the Department if an employer is found liable of owing wages to an employee.

LAB Member Tom Wronski asked if the Department would be creating a poster or any type of document to let the employer community know of the changes and how it will impact them. Director Shannon stated that the Department would look into the possibility of revamping the flyer and posting it on the web. Due to limited resources the possibility of mailing it out to employers in Illinois was not a feasible one. Aside from the flyer, the Department is going to create an advisory and send it to a list serve.

- SB3588 – Amends the Personnel Records Review Act. Provides that when an employer requests a disciplinary report or letter of reprimand, the employee must be notified that they are releasing the record. Amendments became effective on July 22nd, 2010.
- HB4658 – Creates the Employee Credit Privacy Act. Prohibits employers from inquiring about a prospective or current employee’s credit history as a basis for employment. There are exceptions to the prohibition, for example credit history can be asked for if it’s a bona fide occupational requirement. This law becomes effective on January 1, 2011.
- HB5154 – Amends the Personnel Records Review Act. This bill prohibits the disclosure of any performance evaluation under the Freedom of Information Act. These amendments would apply to public sector employees only. On July 26th, the Governor amendatorily vetoed the act and recommended that the prohibition apply to police officers and firefighters only. When Legislature returns to veto session they will have to act on the veto and if they don’t the bill will not become law.
- HB5247 – Amends the Day and Temporary Services Act. Provides that a third party client is required to pay wages and payroll taxes to the day and temporary labor service agencies for services performed by day laborers. Amendment became effective on July 22nd, 2010.
- HB6014 – Amends the Child Labor Law. This amendment was a Department initiative and it provides that in situations where minors under the age of 16 require an employment certificate to work in Illinois, they can work with a regional office or superintendent in order to get the certificate issued. If the child lives in another state, they would not have to provide the application in person. Amendment became effective on July 23rd, 2010.
- HB6349 – Amends the Illinois Preference Act.

Legal Division:

Chief Legal Counsel, Michael Haggerty reported on the following:

Conciliation and Mediation Division:

Division Manager, Tom Whalen reported on the following:

Fair Labor Standards Division (FLS):

Division Manager, Suzanne Davis reported on the following:

Equal Opportunity Workforce Division (EOWD):

Division Manager, Doris Moy reported on the following:

Public Safety Update:

Chicago Enforcement Manager, John Bastert reported on the following:

Next Meeting Date:

Meeting Adjourned:

Director Catherine Shannon adjourned the meeting at